

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

JAMES CHANDLER,

Plaintiff,

*versus*

RICK THALER,

Defendant.

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CIVIL ACTION H-11-2160

### Opinion on Dismissal

James Chandler is in a Texas prison. He filed a “petition and complaint” raising various allegations concerning the grievance process at the Estelle prison unit, shower procedures, cell searches, the law library, and work assignments.

Chandler says the guards are poorly trained and do not know most of the rules. This causes confusion between guards and prisoners resulting in an unsafe environment for both. The guards are ignoring and misinterpreting the rules and policies for seeking redress from the prison. Chandler states he is not complaining about the grievance rules, but about non-compliance with the rules.

Chandler says the grievance officer is not complying with the procedures. Officers laugh and say they can lie about any allegation made by prisoners. The grievance department does not investigate the grievances. He says the grievance officer simply takes the word of the officer or department head on the matter being grieved. The grievances are answered with boilerplate answers. In several areas, like retaliation, the officers are not following the procedures.

Chandler complains the disciplinary procedures are a kangaroo court system. No investigation is conducted except that the officer will ask the accused what he believes happened. In a major case, the counsel substitute will seek a statement from the accused and may contact witnesses. Chandler raises similar general complaints concerning showers, cell searches, access to the courts and the law library, work assignments, and medical restrictions.

Chandler requests that this court order an official federal investigation to be conducted on the Estelle Unit concerning the civil rights violations he raises. He also asks the court to protect him from retaliation.

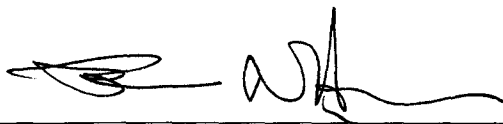
from retaliation.

Later, in responses to letters from the clerk about paying a filing fee, Chandler says he did not mean for this to be a civil lawsuit. (3, 4) He says he meant his papers to be a petition to the court as a “criminal civil rights violation” and for the court to order a federal investigation into the civil rights violations he raises and all the other violations taking place on the Estelle Unit. *See* Title 18 U.S.C. § 241 (Conspiracy against Rights), § 242 (Deprivation of Rights under Color of Law), and § 245 (Federally Protected Activities).

A private citizen has no right to initiate a criminal action in federal court. *See Barnes v. Smith*, 654 F. Supp. 1244, 1247 (E.D. Mo.1987); *see also* Wright, *Federal Practice and Procedure: Criminal* 4th, § 42 (2008). The determination whether to file criminal charges lies solely within the prosecutor’s discretion. *See Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973). A private citizen has no right to have an individual criminally prosecuted. *Id.* A citizen has no right to have a federal investigation initiated or conducted at their behest.

Chandler fails to state a claim recognized at law. 28 U.S.C. § 1915A(b)(1). This case will be dismissed. The clerk will send a copy of this order to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas 75702, Attention: Three Strikes List.

Signed 08.17, 2011, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lynn N. Hughes', written over a horizontal line.

Lynn N. Hughes  
United States District Judge